

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL GARRETT,

Plaintiff,

v.

CASE NO. 08-CV-12294
HONORABLE AVERN COHN

JOHN DOE, et al.,

Defendants.

_____ /

ORDER DENYING PLAINTIFF'S MOTION FOR RECONSIDERATION

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. On July 22, 2008, the Court dismissed the complaint without prejudice because plaintiff did not pay the required \$350.00 filing fee nor submit a proper application to proceed without prepayment of the filing fee when he filed his complaint. He also failed to correct the problem after the Court issued a deficiency order. See Order of Summary Dismissal.

Before the Court is plaintiff's motion for motion for reconsideration. For the reasons that follow, the motion is DENIED.

II.

A motion for reconsideration which presents issues already ruled upon by the district court, either expressly or by reasonable implication, will not be granted. See Hence v. Smith, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999). Plaintiff has not met his burden of showing a palpable defect by which the Court has been misled or his burden

of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(g)(3). Although plaintiff claims that he attempted to pay the filing fee, there is no record that he submitted the fee to the Court or otherwise corrected the filing deficiency in a timely manner. The Court did not err in dismissing his complaint without prejudice.

If plaintiff wishes to proceed on the claims contained in his dismissed complaint, he should submit a new complaint with either the full filing fee or a completed application to proceed without prepayment of the filing fee. This case is closed.

SO ORDERED.

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: August 27, 2008

I hereby certify that a copy of the foregoing document was mailed to Michael Garrett, 580170, Kinross Correctional Facility, 16770 Watertower Drive, Kincheloe, MI 49788-1637 the attorneys of record and on this date, August 27, 2008, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160